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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,498	12/05/2003	Jacob Mathews	14846-29	2319
7590 GEORGE D. MORGAN, ESQ LOWENSTEINS SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068			EXAMINER BASIT, ABDUL	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 05/11/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,498

Applicant(s)

MATHEWS ET AL.

Examiner

ABDUL BASIT

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6, 8-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's filing of a Request for Continued Examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims, 1, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Zajac (US Pat. Pub. No. 2002/0120546)

Regarding claims 1, 11 and 17

Zajac teaches a system for offering a financial instrument across different types of trading platforms, comprising:

a plurality of trading platforms, at least two of the plurality of trading platforms employing different trading protocols for a two-way exchange of exchanging trading information, a trading protocol being a set of rules governing how computers of trading platforms communicate and transfer data; *(see paragraph 45 that discloses multiple IDBs that each has its own platform; paragraph 46 that discloses that there are multiple IDBs and multiple trading platforms that need to communicate with each other; and paragraphs 101 and 102 discloses communication rules on the transfer of data)*

an interface for linking the plurality of trading platforms to allow an offering of a financial instrument posted in a source by a primary trading platform to be simultaneously

offered in multiple secondary trading platform platforms, the offering being sent as a quote message to the interface in accordance with the trading protocol employed by the source primary trading platform *(see at least paragraph 45 and 46 that disclose the ability to display information from multiple platforms/and IDBs at the same time; and paragraphs 53-54 disclose trading data that is viewable over multiple IDBs/platforms)* the interface including at least one adapter coupled to each of the secondary trading platforms, each adapter configured to translate the quote message and include the trading protocol employed by the corresponding secondary trading platform to receive the translated quote message, *(see at least paragraph 45 and 46 that disclose the ability to display information from multiple platforms/and IDBs at the same time)* each of the secondary trading platforms receiving the posted offering using their respective trading protocol, each of the secondary trading platforms having received the translated quote message sending back a quote acknowledgement message to the interface via the corresponding adapter coupled thereto using their respective trading protocol, the interface ensuring that the quote acknowledgement message sent by a secondary trading platform is in agreement with the trading platform. *(see at least paragraph 45 and 46 that disclose the ability to display information from multiple platforms/and IDBs at the same time; paragraphs 53-54 disclose trading and integration of sales/bids quotes; and paragraph 90-92 disclose trading and quote data between the systems)*

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Regarding claims 3 and 13:

Lewis, not Zajac, teaches wherein the quote acknowledgment message is generated after receipt of a posted trade request to purchase a specified quantity of a specified financial instrument at a specified price (*see paragraph 80*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to implement an acknowledgement message within the scope of a trading/financial transaction.

Regarding claims 5 and 15:

Lewis teaches:

The system of claim 1 wherein a first trading platform includes a risk management component (*see fig 4, note risk component of Analytical and user systems*) and a second trading platform includes a trading portal (*i.e. applications/user interfaces, see par 131,137-144 which lists the trading protocol aspect*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to include a risk management and trading portal within a trading system.

With respect to claims 6 and 16

Lewis teaches:

The system of claim 1 (see rejection of claim 1 above), further including a reporting component for reporting transaction information associated with trading activity (*i.e. applications/user interfaces, see at least paragraphs 131,137-144*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to include a reporting component within a trading system.

Regarding claim 8

Lewis teaches:

The system of claim 1 (see rejection of claim 1 above), wherein the interface ensures that offering information is uniform in each of the plurality of trading platforms (*see at least paragraph 72 that discloses that the data is reformatted into a system compliant format, note that this is uniform in so far as that data is uniformly compliant with each trading platform*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to create a uniform system throughout multiple platforms in a trading system.

Regarding claim 9:

Lewis teaches:

The system of claim 8 (see rejection of claim 8 above), wherein a change in pricing information on one of the plurality of trading platforms causes a corresponding pricing information change on another one of the plurality of trading platforms (*see at least paragraphs 80-81 and 125, that disclose that market updates trigger updates in, at least, the market data server, which is a centralized database which serves information to the users of the system; and also paragraph 94, and fig 9, that disclose the database associated with the market data server includes price and quantity as types of market data*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to maintain price changes that occur through different platforms.

Regarding claim 10

Lewis teaches:

The system of claim 8 (see rejection of claim 8 above), wherein a change in quantity information on one of the plurality of trading platforms causes a corresponding quantity information change on another one of the plurality of trading platforms (*see at least paragraphs 80-81 and 125, that disclose that market updates trigger updates in, at least, the market data server, which is a centralized database which serves information to the users of the system; and also paragraph 94, and fig 9, that disclose the database associated with the market data server includes price and quantity as types of market data*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zajac with Lewis. It would have been obvious to try to maintain quantity information to change in different platforms.

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zajac in view of US Patent Application Publication 2001/0051909 for Keith (Keith)

With respect to claims 4 and 14

Keith, not Zajac, teaches:

wherein a posted trade request is canceled if the quote acknowledgment message is not received within a predetermined time period (see par 130, note that when the system changes from slow to fast mode, the trading system assumes that unconfirmed trades are cancels) It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to modify Zajac with Keith. It would be obvious to try to include an acknowledgement message to prevent a trade that may be in error from going through.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ABDUL BASIT/
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694